



DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3409-036]

Boyne USA, Inc.; Notice of Application Accepted for Filing and Soliciting

Comments, Motions to Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Application Type: Temporary variance of license requirement
- b. Project No.: 3409-036
- c. Date Filed: April 17, 2023
- d. Applicant: Boyne USA, Inc.
- e. Name of Project: Boyne River Hydroelectric Project
- f. Location: The project is located on the Boyne River in Charlevoix County, Michigan and does not occupy Federal lands.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) – 825(r)
- h. Applicant Contact: Tyler Prange, Area Manager, Boyne Mountain Resort, Boyne USA, Inc. (231) 549-6076, Tyler.prange@boynemountain.com
- i. FERC Contact: Brian Bartos, (202) 502-6679, brian.bartos@ferc.gov
- j. Deadline for filing comments, motions to intervene, and protests is May 19, 2023.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First

Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket number P-3409-036. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

- k. **Description of Request:** The licensee requests Commission approval, through December 31, 2023, for a temporary variance of the run of river (ROR) requirements at the Boyne Project, as required by Article 25 of the amended project license. The licensee is requesting the variance to perform an 11-foot drawdown of the project reservoir in order to complete necessary maintenance of the hydropower generation system, maintenance of the intake canal, and work to the left embankment to bring factors of safety into compliance with the Commission's guidelines. The temporary variance from ROR requirements would only be necessary during the drawdown and refill periods; ROR operation would be maintained in between. The licensee anticipates the drawdown process to take approximately one month and would initiate drawdown after May 15, 2023. The proposed refill of the impoundment would occur over a period of two weeks in late summer or late fall of 2023 and would maintain a minimum release equivalent to the 95 percent exceedance flow (approximately 30 cubic feet per second). Additionally, the licensee provided a mitigation plan in its application for potentially stranded organisms, including mussels, for all bottomlands exposed during the drawdown, as well as proposed measures to protect endangered species potentially occurring at the project, per resource agency recommendations.
- l. **Locations of the Application:** The Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. Agencies may obtain copies of the application directly from the applicant. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll free, (866) 208-3676 or TTY, (202) 502-8659.
- m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.
- n. **Comments, Protests, or Motions to Intervene:** Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of

Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

- o. **Filing and Service of Responsive Documents:** All filings must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable ; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 385.2010.

Dated: April 19, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

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